

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Travis Orange, #311216,)	C.A. #0:06-2601-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Audrey Fielding, Sargent; Antron Lewis,)	
Officer; Willie Winns, Officer; Michael)	
Schwartz, Jail Administrative Director)	
of the Georgetown County Detention)	
Center,)	
)	
Defendants.)	
)	

This matter is before the court upon the magistrate judge's recommendation that the plaintiff's motion for summary judgment be denied. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B). Because plaintiff was pro se¹, this matter was referred to the magistrate judge.²

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). *Pro se* defendant

¹Plaintiff was subsequently appointed counsel to represent him in this matter on August 16, 2007.

²Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., the magistrate judge is authorized to review all pretrial matters in cases filed under Title 42 United States Code, § 1983, and submit findings and recommendations to this Court.

Audrey Fielding filed timely objections on September 26, 2007, however, defendant Fielding's "objections" essentially agree with the findings of the magistrate judge in the report and recommendation. Therefore, the court is construing said "objections" as defendant Fielding's response in agreement with the report and recommendation.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that **plaintiff's** Motion for Summary Judgment is **DENIED without prejudice**.

FURTHER ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

October 3, 2007
Charleston, South Carolina